

Privacy Protection Act of 1980

*Statement on Signing S. 1790 Into Law.
October 14, 1980*

I am pleased to sign the Privacy Protection Act of 1980, a bill which provides vital safeguards for our free press.

The Supreme Court's 1978 decision in *Zurcher v. Stamford Daily* raised the concern that law enforcement authorities could conduct unannounced searches of reporters' notes and files to seek evidence. Such a practice could have a chilling effect on the ability of reporters to develop sources and pursue stories. Ever since the Court's decision, my administration has been working with Congress to prevent this result by enacting legislation.

This bill requires Federal, State, and local authorities either to request voluntary compliance or to use subpoenas—with advance notice and the opportunity for a court hearing—instead of search warrants when they seek reporters' materials as evidence. The bill also covers others engaged in first amendment activities such as authors and scholars. Searches are allowed only in very limited situations.

The bill also directs the Attorney General to issue guidelines for Federal law enforcement officers to minimize intrusion when documentary evidence of a crime is sought from innocent third parties who are not members of the press. Those guidelines are already being written and the Attorney General expects to issue them in the near future. I am pleased that the Federal Government is taking the lead in providing these privacy protections. I urge the States to follow suit.

This bill provides important civil liberties protections without hampering legiti-

mate law enforcement investigations. I congratulate Senators Birch Bayh, Edward Kennedy, and Strom Thurmond, and Congressmen Robert Drinan, Robert Kastenmeier, Tom Railsback, and Peter Rodino, who played crucial roles in passing this legislation.

The Privacy Protection Act is an integral part of my administration's strong, ongoing commitment to a national privacy policy. In this wide-ranging program, we have reversed the historic growth in collection of personal data by the Government. We have reduced the size of these Government files by more than 10 percent. Congress has nearly completed action on legislation I submitted last year to protect medical records. I expect that bill to pass in the November session, and I look forward to working with the next Congress to enact credit, banking, and insurance privacy legislation. Finally, I am pleased that the first international guidelines on transfer of personal data across borders have just been adopted by the member countries of the Organization for Economic Cooperation and Development, including the United States.

I also wish to note the progress we are making on other aspects of civil liberties. The Justice Department is today announcing final guidelines requiring Federal lawyers to oppose closing trials and other legal proceedings except in very limited circumstances. The principle that justice should be done in public is a basic part of our legal tradition.

This legislation and these other actions have helped preserve our country's basic freedoms.

NOTE: As enacted, S. 1790 is Public Law 96-440, approved October 13.